

**Report of: Commissioning Manager, Children & Families**

**Report to: Head of Service, One Adoption West Yorkshire**

**Date: 22<sup>nd</sup> July 2020**

**Subject: Authority to award a contract via waiver of CPR 8.1 & 8.2 Low Value Procurements to North East Adoption Therapy Services to provide therapeutic counselling services for adoptive families.**

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has consultation been carried out?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

---

## Summary

### 1. Main issues

- A key service provider for One Adoption West Yorkshire has changed its name and structure.
- Due to the change, a new contract has to be awarded under the new company name through a waiver of CPRs 8.1 and 8.2 Low Value Procurements to ensure that the 36 families currently receiving the service can continue to do so.

### 2. Best Council Plan Implications

- The contract contributes to the Best Council Plan priorities:  
‘Improving social, emotional and mental health and wellbeing’  
‘Supporting families to give children the best start in life’

### 3. Resource Implications

- The contract replaces one already entered into with the company under its previous name and does not require any additional, uncommitted resources.
- The total potential value of the replacement contract is £75,267

## **Recommendations**

- a) The Head of Service, One Adoption West Yorkshire is requested to;  
Authorise a waiver of CPRs 8.1 and 8.2 Low Value Procurements and award a contract to North East Adoption Therapy Services (NEATS) for a period of 12 months from 1<sup>st</sup> August 2020 up to the value of £75,267.

### **Purpose of this report**

- 1.1 The purpose of this report is to enable One Adoption West Yorkshire to enter into a contract with North East Adoption Therapy Services (NEATS) to continue therapeutic counselling services for adoptive families, as it has recently changed its name and organisational structure from SCS Training and Therapy Ltd.

## **2. Background information**

- 2.1 One Adoption West Yorkshire (OAWY) has arrangements with North Yorkshire County Council to award contracts for individual therapeutic support for adoptive families through their Approved Provider List.
- 2.2 Between May 2015 and 31<sup>st</sup> July 2020 a number of contracts were awarded through this process to SCS Training and Therapy Ltd., currently providing weekly, fortnightly or monthly support to 36 families in the OAWY region.
- 2.3 On 1<sup>st</sup> August 2020 SCS Training and Therapy Ltd. will change its name to North East Adoption Therapy Services (NEATS). All staff currently supporting the OAWY families will move over to the new company and are continuing in their role as therapists.

## **3. Main issues**

- 3.1 North Yorkshire County Council will require the new company to re-register on its Approved Provider List, a process that will take some weeks to complete.
- 3.2 In order to avoid any break in the important support that families receive, it is recommended that OAWY enter into a standalone contract with North East Adoption Therapy Services (NEATS) to ensure that families can continue to access therapy sessions with the same therapist.
- 3.3 Therapeutic counselling can be very challenging and emotional for families to undertake. Building trust with the therapist takes time, and starting with a new provider would mean that 36 families have to go through the difficulty of telling their story and creating trust with a new counsellor. It is also not ethical or safe to suspend therapy in an unplanned way with children/young people/families.
- 3.4 North East Adoption Therapy Services (NEATS) have provided OAWY with a good reason for the change in name and structure, and they are able to continue to provide the service using the same staff at the same cost without any disruption.

### **Reason for Contracts Procedure Rules Waiver**

- 3.5 In order to award the contract to North East Adoption Therapy Services (NEATS), a waiver of CPRs 8.1 & 8.2 Low Value Procurements is required. SCS Training and Therapy Ltd has been a very successful provider of therapeutic services and it is important for the 36 families currently supported that they are able to continue their therapy sessions without disruption or change of therapist if at all possible.

- 3.6 The alternatives to the waiver would be to wait until the new company is registered with North Yorkshire County Council which will be 18<sup>th</sup> August at the earliest, and create 36 new contracts with NEATS as required by the Approved Provider List regulations. A second alternative is to find a new provider from the Approved Provider List and move families into this provision.

### **Consequences if the proposed action is not approved**

- 3.7 Both options are not viable as they will cause a break in service to the families at a very crucial time, with school holidays and COVID-19 causing additional pressures.
- 3.8 Moving to a new provider would not only be time consuming and resource intensive, but could cause undue stress to the families by having to get used to a new counsellor.

### **Advertising**

- 3.9 There is no proposal to undertake a formal tendering exercise for the service due to the reasons set out in this report.

## **4. Corporate considerations**

### **4.1 Consultation and engagement**

- 4.1.1 Consultation has taken place with the provider to ensure that there will be no break in service. Families will be informed of the name change.

### **4.2 Equality and diversity / cohesion and integration**

- 4.2.1 The proposal does not have any specific equality and diversity implications although many of the families supported have complex needs including mental ill health and disabilities.

### **4.3 Council policies and the Best Council Plan**

- 4.3.1 The contract contributes to the Best Council Plan priorities:  
'Improving social, emotional and mental health and wellbeing'  
'Supporting families to give children the best start in life'

### Climate Emergency

- 4.3.2 Counselling is currently delivered online. For when face to face services resume, the provider will be required to submit a plan on how they will reduce the carbon footprint of their service to support the Council's climate emergency goals.

### **4.4 Resources, procurement and value for money**

- 4.4.1 The proposal represents value for money as there will be no increase in the cost of the service by moving to the new company. Setting up new contracts through North Yorkshire County Council or with a new provider would require significant officer time from both OAWY and commissioning staff.

## **4.5 Legal implications, access to information, and call-in**

- 4.5.1 The decision is a significant operational decision and is not subject to call-in. This report does not contain any exempt or confidential information under the Access to Information Rules.
- 4.5.2 The value of the contract detailed in this report is below the threshold for the application of Public Contracts Regulations 2015 for the procurement of public contracts and therefore is not subject to the full EU procurement rules.
- 4.5.3 In awarding the contract direct without competition, there is a potential risk of challenge from other providers, to whom this contract could be of interest, that the Council has not been wholly transparent. In terms of transparency it should be noted that case law suggests that the Council should always consider whether contracts of this value could be of interest to contractors in other EU member states, and if it could, the opportunity should be subject to a degree of European wide advertising. It is up to the Council to decide what degree of advertising is appropriate. In particular, consideration should be given to the subject-matter of the contract, its estimated value, the specifics of the sector concerned (size and structure of the market, commercial practices, etc.) and the geographical location of the place of performance. The decision maker has considered this and is of the view that the contract would not be of interest to providers in other EU member states.
- 4.5.4 There is a risk of an ombudsman investigation arising from a complaint that the Council has not followed reasonable procedures, resulting in a loss of opportunity. The complainant would have to establish maladministration. It is not considered that such an investigation would necessarily result in a finding of maladministration; however such investigations are by their nature more subjective than legal proceedings.
- 4.5.5 Although there is no overriding legal obstacle preventing the waiver of CPR 8.1 and 8.2, the above comments should be noted. In making their final decision, the Head of Service, OAWY should be satisfied that the course of action chosen represents best value for the Council.

## **4.6 Risk management**

- 4.6.1 The risks associated with entering into a contract with a new company have been assessed and all relevant checks have been made. Payment for services is in arrears.

## **5. Conclusions**

- 5.1 The therapeutic counselling service delivered by SCS Training and Therapy Ltd. for OAWY has been very successful, and feedback from families currently benefitting has been positive. The company has provided a good reason for changing name and structure, and assurances have been given that there will be no disruption to the service provided and all counsellors will continue to support the same families.

5.2 Entering into a contract with the new company is the only way of maintaining the service without a break, which is particularly important during the current COVID-19 crisis and school holidays.

## 6. Recommendations

6.1 The Head of Service, One Adoption West Yorkshire is requested to;  
 Authorise a waiver of CPRs 8.1 and 8.2 Low Value Procurements and award a contract to North East Adoption Therapy Services (NEATS) for a period of 12 months from 1st August 2020 up to the value of £75,267.

## 7. Background documents<sup>1</sup>

7.1 None

## Appendix 1

### What is your reason for waiving CPRs?

There is a genuine, unforeseeable emergency meaning there is no time to go through a procurement process e.g. to deal with the consequences of extreme weather.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
To purchase supplies or services on particularly advantageous terms due to liquidation/administration.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Requirement to put a contract in place with a current provider whilst a review of the services is completed.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Ran out of time to undertake a new procurement exercise	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Other (please provide summary here)  A company providing counselling services to adoptive families is changing its name and structure, and the contract they have through the North Yorks Approved Provider List will no longer be valid and there will be a delay in getting the new company through their clearance process. In order to not disrupt the counselling families receive we're requesting a waiver to award an interim	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

<sup>1</sup> The background documents listed in this section are available to download from the council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

contract directly to the new company while they undergo the clearance process.

The company is changing the name because one director wanted to end the counselling element of the service. The other directors formed the new company to continue. All payments will be in arrears so the risk of contracting with a new entity is minimal, and the risk to families of disruption to their counselling is really quite high.

<p>contract directly to the new company while they undergo the clearance process.</p> <p>The company is changing the name because one director wanted to end the counselling element of the service. The other directors formed the new company to continue. All payments will be in arrears so the risk of contracting with a new entity is minimal, and the risk to families of disruption to their counselling is really quite high.</p>		
---	--	--